

UNITED STATES DISTRICT COURT  
Northern District of California

GERALDINE P. SUELEN,

Plaintiff,

v.

WELLS FARGO BANK, N.A., et al.,

Defendants.

No. C 13-002 MEJ

**ORDER DISCHARGING SECOND  
OSC**

**ORDER REFERRING CASE TO ADR  
UNIT FOR ASSESSMENT  
TELEPHONE CONFERENCE**

On February 28, 2013, the Court ordered Plaintiff Geraldine Suelen to show cause why her Motion to Remand should not be denied. Having receiving the declaration in response from Plaintiff's counsel, the order to show cause is DISCHARGED.

Pursuant to Civil Local Rule 16-8 and Alternative Dispute Resolution (ADR) Local Rule 2-3, the Court refers this foreclosure-related action to the ADR Unit for a telephone conference to assess the case's suitability for mediation or a settlement conference. The parties shall participate in a telephone conference, to be scheduled by the ADR Unit as soon as possible, but no later than April 4, 2013.

The parties shall be prepared to discuss the following subjects:

- (1) Identification and description of claims and alleged defects in loan documents.
- (2) Prospects for loan modification.
- (3) Prospects for settlement.

The parties need not submit written materials to the ADR Unit for the telephone conference. In preparation for the telephone conference, Plaintiff shall do the following:

- (1) Review relevant loan documents and investigate the claims to determine whether they have merit.
- (2) If Plaintiff is seeking a loan modification to resolve all or some of the claims,

1 Plaintiff shall prepare a current, accurate financial statement and gather all of  
2 the information and documents customarily needed to support a loan  
3 modification request. Further, Plaintiff shall immediately notify Defendants'  
4 counsel of the request for a loan modification.

- 5 (3) Provide counsel for Defendants with information necessary to evaluate the  
6 prospects for loan modification, in the form of a financial statement, worksheet  
7 or application customarily used by financial institutions.

8 In preparation for the telephone conference, Defendant(s) shall do the following.

- 9 (1) If Defendants are unable or unwilling to do a loan modification after receiving  
10 notice of Plaintiff's request, counsel for Defendants shall promptly notify  
11 Plaintiff to that effect.
- 12 (2) Arrange for a representative of each Defendant with full settlement authority to  
13 participate in the telephone conference.

14 The ADR Unit will notify the parties of the date and time the telephone conference will be  
15 held. After the telephone conference, the ADR Unit will advise the Court of its recommendation for  
16 further ADR proceedings.

17 The March 14, 2013 hearing on Defendants' motion to dismiss is VACATED pending  
18 resolution of this ADR process.

19 **IT IS SO ORDERED.**

20 Dated: March 7, 2013

21   
22 Maria-Elena James  
23 United States Magistrate Judge  
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